THE

TREATIES WITH CHINA.

LONDON:
THE CHINESE EVANGELIZATION SOCIETY,
15, BEDFORD ROW.

1854.

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PREFACE.

A CONFERENCE, to which the Treasurers and Secretaries of several missionary societies, and of the Bible and Religious Tract Societies, and several persons interested in China were invited, was held at the office of the "Chinese Evangelization Society," 15, Bedford Row, London, on Friday, November 10, 1854, to consider the existing treaties with China. After the subject proposed for conference had been fully considered, it was unanimously resolved :—

"1st, That the Secretaries of the Chinese Evangelization Society be requested to prepare a statement, explanatory of the nature of the treaties between England, France, and America with China, and the operation of such treaties in reference to Christianity in China."

"2ndly. That such statement be forwarded to the missionary and other christian societies, and such other religious bodies as may be thought desirable, and that communications be held with them with a view to obtain their concurrence in making a representation to Government, either by deputation, or by such other means as shall be considered proper, for the purpose of obtaining, in the revision of the present treaties, or the formation of any new treaties with China, full privileges for missionaries, and for their residence in China, and for the liberty and protection of christians generally."

In compliance with the foregoing resolutions, the following statement is drawn up for circulation.

CHARLES BIRD,
Secretary.

Chinese Evangelization Society,
December 1, 1854.

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THE last China mail announces that the representatives of England, France, and America were to proceed to the revision of the existing treaties with China. This announcement deeply concerns English missionary and other religious societies; and the importance of their making a united and strenuous effort will be manifest when we reflect that by the treaties between America and China, American missionaries are protected, and have the right to build churches or chapels; and by the treaty between France and China similar advantages are secured to Romish missionaries; whereas, by the treaty between Great Britain and China no provision is made for Protestant missionaries, or for erecting places of worship, nor in fact for any other portion of Her Majesty's subjects than British merchants.

Until the year 1842 there had not been any treaty between this country and China, but at the conclusion of the opium war, a treaty was entered into between the two belligerent powers, on the 29th day of August, 1842, at Nanking. By the first article it was stipulated "that the *subjects* of both countries should enjoy *full security* and protection for their persons and property, within the dominions of the other."

This privilege, however, by the second article would appear to be most materially qualified, both as to the persons and residence of British subjects in China, for it is thereby agreed that they, "with their families and establishments, shall be allowed to reside, *for the purpose of carrying on their mercantile pursuits*, without molestation or restraint, at the cities of Canton, Amoy, Fuhchau, Ningpo, and Shanghai;" and certain officers are to be appointed "to be the medium of communication between the Chinese authorities and

British merchants." The scope of this article extends to merchants only, and cannot be understood of any other class. That it was not the intention to include agents of religious societies is evident, and the fifth article is confirmatory of this construction ; for it is thereby agreed that certain persons, called Hong merchants, shall no longer be the exclusive agents for transacting business, but that in future, at all ports where *British merchants* may reside, they shall be permitted to carry on *mercantile* transactions with whatever persons they please. And even the barren and unhealthy island of Hong-kong, although ceded in perpetuity, is, from the peculiar wording of the clause, apparently only for the benefit of merchants ; for it is by the third article declared, that "it being obviously necessary and desirable that British subjects should have some port whereat they may careen and refit their ships when required, and keep stores for that purpose, the Emperor of China cedes to the Queen of Great Britain the island of Hong-Kong, to be possessed in perpetuity and to be governed by such laws and regulations as the Queen shall see fit to direct." Without discussing the impropriety of limiting the term "British subjects" to persons who possess ships, it is quite evident that it was never *intended* to embrace missionaries or agents of religious societies.

Again, in the eleventh article, after stipulating that there shall be a certain mode of address between official persons, it is agreed that "*merchants* and others not holding official situations shall adopt the mode therein specified in any paper addressed to the government." By this treaty it is evident that *merchants only* are entitled to reside in the free ports, and even Hong-Kong is ceded for the sole purpose of affording a harbour to careen and repair ships at. It is a cause of regret that Her Majesty's Plenipotentiary, Sir Henry Pottinger, did not stipulate for privileges to missionaries as well as "merchants." An opportunity of rectifying this oversight subsequently occurred, as a supplemental treaty was signed on Sunday, the 8th of Oct., 1843 ; but this opportunity was lost. In the 4th article of the supplemental treaty it is declared that "after the five ports shall be thrown open English merchants shall be allowed to trade only at those five ports." We find, however, that other persons besides merchants are indistinctly alluded to : for by the sixth article "it is agreed that English merchants and *others* residing

at or resorting to the five ports to be opened shall not go into the surrounding country beyond certain short distances, to be named by the local authorities in concert with the British Consul, and on no pretence for purposes of traffic; and should any person *whatever** infringe the stipulations of this article, and wander away into the country, they shall be seized and handed over to the British consul for suitable punishment."†

In the 7th article, stipulating for the purchase of land and houses, it is stated that the number of houses "cannot be limited, seeing that it will be greater or less according to the *resort of merchants.*" If, therefore, missionaries should get into a free port under the indefinite expression "and others," it would appear that the *right to occupy a house was not secured to them.*

A clause was however inserted in the supplemental treaty which has, through the zeal and earnestness of the French and American representatives, enabled even the English missionary to live at any of the free ports. This important clause is the 8th, and runs thus: "The Emperor of China, having been graciously pleased to grant to all foreign countries, whose subjects or citizens have hitherto *traded* at Canton, the privilege of resorting for purposes of trade to the other four ports of Fuchau, Amoy, Ningpo and Shanghai, on the same terms as the English, it is further agreed, that should the Emperor, hereafter, from any cause whatever, be pleased to grant additional privileges or immunities to any of the subjects or citizens of such foreign countries, the same privileges and immunities will be extended to and enjoyed by British subjects; *but it is to be understood that demands or requests are not, on this plea, to be unreasonably brought forward.*"

In pursuance of the above mentioned treaty proclamations were issued by the British and Chinese authorities respectively, but they both refer to commercial matters alone. The interests of trade were amply secured, but those of religion were entirely overlooked. But when the treaty

* *Sic* in the treaty.

† Sir H. Pottinger, apparently with the intention of acting in conformity with this stipulation, issued a proclamation against the proceedings of an *American* missionary, who went to Chang-chau to preach the gospel, where he met with a kind reception from the Chinese at that important town.

Life of Lowrie, p. 263.

between France and China was entered into, M. Lagréné, to his honour, made provision for the interest of the Christian religion.

The first interviews between Keying, the Chinese commissioner, and M. Lagréné, were held in October 1844, and the negotiations continued nearly the whole month. The French minister took the treaty of Wanghia as the basis of his own, and on the 23rd of October, having settled all the preliminaries, proceeded to Whampoa in the steamer *Archimede* with Keying, where the treaty was signed, on the 24th day of October. It was subsequently ratified by the sovereigns of both countries, and the ratifications duly exchanged. Twelve years were agreed upon, both in the French and American treaties, as the time which should elapse before any alterations should be made.

The French minister stipulated, in the 22nd article, that his countrymen should be allowed to establish churches, hospitals, alms-houses, schools, and cemeteries in any of the free ports.

Another important privilege, even in a mercantile point of view, was obtained by the French, which the English minister had entirely overlooked. By the 24th article, permission to engage compradors, interpreters, writers, workmen, boatmen, and servants, and also literary men to teach them to speak or write the Chinese language or any of its dialects, was granted.

As soon as the French treaty had been signed, M. Lagréné sought for his co-religionists the liberty thus conceded to them, and applied to Keying to grant them and even the *Chinese* converts full right of worship ; and, accordingly, on the 28th day of Dec., 1844, the following important and valuable proclamation, approved by the Imperial autograph, was published :—

"Keying, imperial commissioner, minister of state, and governor-general of Kwangtung and Kwangsi, respectfully addresses the throne by memorial. On examination it appears that the religion of the Lord of heaven is that professed by all the nations of the West; and its main object is to encourage the good and suppress the wicked; that since its introduction to China, during the Ming dynasty, it has never been interdicted; that subsequently, when Chinese, practising this religion, often made it a cover for wickedness, even to the seducing of wives and daughters, and to the deceitful extraction of the pupils

from the eyes of the sick,* government made investigation and inflicted punishment, as is on record; and that in the reign of Kaiking, special clauses were first laid down for the punishment of the guilty. The prohibition, therefore, was directed against evil done under the covert of religion, and not against the religion professed by the Western foreign nations.

"Now the request of the French ambassador, Lagréné, that those Chinese who, doing well, practise this religion, be exempt from criminality, seems feasible. It is right therefore to make this request, and earnestly to crave celestial favour, to grant that henceforth *all nations and foreigners* without distinction, who learn and practise the religion of the Lord of heaven, and do not excite trouble by improper conduct, be exempted from criminality. If there be any who seduce wives and daughters, or deceitfully take the pupils from the eyes of the sick, walking in their former paths, or are otherwise guilty of criminal acts, let them be dealt with according to the old laws. As to those of the French and *other foreign nations*, who practise the religion, let them only be permitted to build churches at the five ports opened for commercial intercourse. They must not presume to enter the country to propagate religion. Should any act in opposition, turn their backs upon the treaties, and rashly overstep the boundaries, the local officers will at once seize and deliver them to their respective consuls for restraint and correction. Capital punishment is not to be rashly inflicted, in order that the exercise of gentleness may be displayed. Thus, peradventure, the good and the profligate will not be blended, while the equity of mild laws will be exhibited.

"This request, that well doers practising the religion may be exempt from criminality, I, (the commissioner,) in accordance with reason and bounden duty, respectfully lay before the throne, earnestly praying the August Emperor graciously to grant that it may be carrred into effect. A respectful memorial.

"Let it be according to the counsel of Keying." This is from the Emperor.†

As the Chinese minister was ignorant of the difference between Protestants and Papists, he did not perceive that the effect of this proclamation, giving permission to the worshippers of the Lord of heaven, in fact only applied to the Roman Catholics; but as soon as the mistake was pointed out to M. Lagréné, he sought the same privilege for all religionists. This is granted in a second proclamation, which,

* This is an allusion to the popish practice of administering extreme unction, in which process the Chinese thought that while rubbing the eye with cotton a needle was secretly inserted and the pupil of the eye was punctured with it.

† *Chi. Rep. Vol.* 14, *p.* 159.

from its importance to missionaries and to religious societies, we give at length.

"Keying, of the Imperial house, Governor-general of Kwangtung and Kwangsi, a director of the board of war, a Vice High Chancellor, Vice Guardian of the heir apparent, Minister and Commissioner extraordinary of the empire, makes this communication.

"A dispatch has been received from the French commissioner Lagréné, in which the following appears:—

"'Formerly, in requesting that a memorial might be laid before the throne for removing the prohibitions against the religion of the Lord of heaven, it was my original design that all persons professing this religion and acting well should alike have the imperial favour, and that the great Western nations should all as one be held blameless in the practice thereof. The religious customs referred to on a previous occasion were those of my own nation; yet if persons of other nations did not entirely conform to these, still there was to be no distinction or obstruction,' thus showing great magnanimity.

"Now I find that, in the first place, when the regulations for free trade were agreed upon, there was an article allowing the erection of churches at the five ports. This same privilege was to extend to all nations—there were to be no distinctions. Subsequently the commissioner Lagréné requested that the Chinese who, acting well, practised this religion should equally be held blameless. Accordingly I made a representation of the case to the throne by memorial, and received the imperial consent thereto."

"After this, however, local magistrates having made improper seizures, taking and destroying crosses, pictures, and images, further deliberations were held, and it was agreed that these (crosses, &c.) might be reverenced. Originally I did not know that there were among the nations these differences in their religious practices. Now with regard to the religion of the Lord of heaven, no matter whether the crosses, pictures, and images be reverenced or be not reverenced, all who, acting well, practise it, ought to be held blameless. All the great Western nations being placed on an equal footing, only let them, by acting well, practise their religion, and China will in no way prohibit or impede their so doing. *Whether their customs be alike or unlike, certainly it is right that there should be no distinction and no obstruction.*"

It is thus quite clear that we are chiefly indebted to the exertions of M. Lagréné, and not to the British Plenipotentiary, for the privilege of Protestant worship in China.

In making these observations on the conduct of the British Plenipotentiary, in securing privileges for merchants only, we are not actuated by a jealous or unfriendly spirit, nor

do we desire to see these privileges to merchants diminished, nor is it our province to advocate the mercantile interest, being assured that our merchants are fully alive to the importance of unrestricted trade with all parts of the Chinese empire, but we contend that missionaries and their work should have been acknowledged in the treaties. It was a missionary who compiled the Chinese dictionary, and thus facilitated commercial intercourse. Commerce is deeply indebted to missionary enterprise: to ignore the claims of missions was neither dignified nor just in the representative of Britain.

At the time of signing the treaty with England no effort was made by any of the religious bodies to demonstrate the importance of gaining equal facilities for missionary exertions in China, but now, when the question of the revision of the treaties is being discussed and arranged by the Plenipotentiaries of the three powers in China, it is the duty of those who are so deeply interested in the missionary work in that land, not to let *this* opportunity pass by without taking some steps to express their deep sense of the importance of the interests which were forgotten on the former occasions. We conceive that they will not be going beyond their province in expressing themselves strongly respecting the continued efforts which have been made, with the sanction and connivence of the Chinese authorities, to nullify the right of foreign missionaries to build or occupy houses at the free ports. If fresh concessions are made by the Chinese authorities to traders, like privileges ought to be granted to our missionaries. It was not a proper position for a Protestant government to take, when it sanctioned the prohibiton of Englishmen going into the interior. The highest authority commands the christian to go into "all the world" in order to preach the gospel of salvation. In doing so he may encounter risk, but surely he might expect that the impediment to his labour would not arise from his own government. This contract on the part of the British Government for the effectual discouragement of missionary labour in the interior of China, we trust will now be rescinded.

It has been objected by some, that this is not the time to propose a revision of the treaties; this, however, is a question not for ourselves, but for our government to determine; and believing that some steps are being taken in the matter, it is not needful to discuss either the propriety of revision with a

ruler who may soon cease to be the *de facto* ruler of China—the inopportuneness of the time—nor the undesirableness of identifying ourselves with the Tartar Government. Our part is, to be alive to the spiritual interests of 400,000,000 of our fellow-men, and to seize the opportunity for asking permission to carry the glad tidings of salvation not only to the free ports, but along the coast, the rivers, and to all the cities and villages of this populous empire.

The three powers more particularly interested in this subject will not wait the issue of the present contest, which will determine the future possession of the throne, and the power with whom they may treat; and various indications on the part of the rebel leaders—their assumption and intolerance, and opposition to the opium trade, may influence the Plenipotentiaries of the Western Powers to proceed at once to settle the matter with the reigning party; and the weakness of the imperial government may make it willing to grant concessions, which would be binding upon the succeeding emperor, should Tai-ping-wang seize the helm of the state.

However *we* may view the question, it is probable that *the other powers* would prefer, for several reasons, to treat with the imperialists. The Jesuit missionaries in China are opposed to the insurgents, and to their Protestantism. There are many American, as well as British commercial houses engaged in the opium trade, who have good reasons for preferring the rule of the imperialists to that of the insurgents; and amidst conflicting or political interests, it might be difficult for the *British* Plenipotentiary to hesitate in proceeding to the discussion of the question with the imperialists.

In the event of the French treaty being dissolved, and a new one entered into, a most important point will arise with respect to the proclamations founded upon it. When the principal ceases, the accessory fails. Neither the privileges of the French treaty nor the proclamations are incorporated into the English treaty, and if the French are willing to abolish their treaty, and to give up the privileges under it, the English have no remedy.* In any new treaty the French might stipulate for Roman Catholics only, and in such a way as would not benefit Protestants. This hint is thrown out for consideration.

* Vattel on the Law of Nations.

This subject demands the vigilant attention of all concerned in the progress of the gospel in China, whether through the circulation of the holy scriptures and religious tracts, or by means of missionary operations.

No time is to be lost. The matter is urgent. Delay may injure the future interest of missions. If no effort be *now* made, government may plead ignorance of the importance of the subject; and even should it be aware that there is a wish on the part of many persons in this country to extend the benefit of missions in China, if this desire be not communicated in an official way, it is not probable that Government will urge the point with earnestness unless all the societies employing agents in China unite for that purpose; individual and isolated efforts will not avail. In all undertakings it is found that union is strength; the constitution and success of our religious societies demonstrate this point: the political results which have been achieved by combination for laudable objects also prove the same fact. And shall those who are exhorted to live as brethren and are engaged in making known a common salvation stand aloof at such a time as the present? We earnestly trust that, as the great Western powers evidently contemplate a revision of the treaties, all those societies, whose object is to spread religious truth in China will now come forward, and that, whatever may be their views respecting the opportuneness of the time, or the strength of contending Chinese parties, they will, on a subject of such paramount importance, all cordially join in asking our government that, whenever such revision does take place, the interests of religion may be fully considered and entire liberty obtained for its promulgation in any part of that vast Empire.

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